

Interactive working session 11: Developing a toolkit for people-centred justice

Organiser: OECD

Moderators: Geoff Mulherin and Mariane Piccinin Barbieri

Duration: 75 minutes from 14:00 – 15:15 on 10 October 2024

Room: Canadian

Concept

The OECD Recommendation on Access to Justice and People-Centred Justice Systems is built around five pillars, each with multiple components. The OECD is developing a toolkit to support countries to implement the Recommendation. This toolkit will include good practice examples, self-assessment questions, lessons learned and other guidance. A number of indicators will form part of these supporting elements.

The toolkit development is well under way, but for it to be a valuable resource across a wide range of countries and contexts it must benefit from the wide range of country experiences in pursuing access to justice through a people-centred approach, and from the expertise of country legal sector practitioners.

Aim

The aim of this parallel working session is to advance the development of the toolkit supporting the implementation of the OECD Recommendation through reviewing progress so far and capturing the experience and expertise of Roundtable participants.

Objectives

The aim will be achieved by:

- Engaging the interest, expertise and creative input of participants in the Recommendation toolkit through hands-on group projects; and
- Gathering inputs and developing a select number of potential indicators, self-assessment questions or practical tools to possibly form part of the implementation toolkit.

Format

This hands-on working session will provide a practical opportunity to apply the Roundtable's expertise to the development of the toolkit.

- The session will commence with a brief introduction/reminder to participants of the role and purpose of the toolkit. This will be followed by a brief “work-in-progress” presentation of the

setup of the toolkit and a sample of the materials included to date in the development of the draft toolkit.

- Participants will then be divided into small groups and given selected questions to support the development of potential components of the Recommendation. These tasks could cover areas of the toolkit/Recommendation such as: (extended list available at **Annex A**):
 - How can we use data to help us identify barriers to accessing particular justice services? What data would we need to collect to do this?
 - The Recommendation asks that “justice is within reach for everyone regardless of their geographical location...” and that “... legal, justice and related services are ... based on ... understanding of their legal and justice needs and capabilities”. (Pillar 2) What does this mean for the location, distribution and delivery modes of services? What indicators could we develop to assist countries measure how they are going?
 - The Recommendation also asks that justice governance structures that enable people-centred justice include “...meaningfully and consistently engaging with groups of people impacted by justice systems in their own language, including those in vulnerable situations...”. What ‘self-assessment questions’ might countries ask themselves to check how they are going and guide future actions/ What indicators could we imagine would assist in this? How would these be measured?
- The session will end with a succinct report back, and an opportunity for participants to alert the moderators to good practice examples and/or possible tools from their countries or experiences for possible consideration for the toolkit.

Group mechanics

The number and size of the small groups will be determined by the number of participants at the session.

A facilitator/group leader will guide each group through the different pre-selected tasks/challenges, record insights contributed through the process, and capture the potential indicator outcomes. We may consider recording the discussions.

ANNEX A

Possible areas for group challenges/tasks

- **How do we rigorously identify bias** in a justice service, such as a court or legal aid? How do we measure its impact? (Pillar 1.4)
- **How to we rigorously identify barriers** to accessing particular services? (Pillar 1.5)
- How do we decide **if services are within reach of all people** in a jurisdiction? (Pillar 2.1A)
- What do participants believe “**quality**” means in relation to the delivery of legal and justice services? (Pillar 2.1B)
- What do we think are the key **elements of legal capability** when it comes to providing access to justice in the people centred justice context? What are the **key variables** that we think should be taken into consideration – and **measured** - in any assessment of capability when we think about planning and delivering people-centred services? Can we identify some specific **correlation between aspects of capability and service design**? (Pillar 2.2C)
- Pillar 2.4:
 - What are **affordable** justice services? What is affordable from a client perspective on what is affordable from the state or service providers perspective? How can these be measured? What indicators might be helpful here?
 - What are **effective** people-centred services? How should this be measured? Are there good examples where this is happening, or models that could be followed?
 - What are **responsive** services? If countries are seeking to design and deliver responsive services, what are the key actions they should consider? How can they monitor performance to assess if the services are ‘responsive’?
 - What are **timely** services? What measures might be useful in monitoring this?
- What is “**fairness**” in and access to justice context? What are the elements or nature of fairness in services when applied in concert with principles of affordability, and proportionality, and appropriateness? (Pillar 2.6)
- How do countries and others assess whether there is meaningful and consistent **engagement** with groups impacted by justice systems in their own languages and especially those in vulnerable situations? Are there some indicators that can be useful internally or externally to guide country action? (Pillar 3.1)
- Are the coordinating mechanisms set up to operate across government agencies effective? How can we measure whether they are effective or not? Are there some good examples of cross government/agency coordination? (Pillar 3.2)

- What do countries think are the **essential people centred variables** that should be collected across the justice sector to support the implementation of people centred justice? What are the challenges in collecting the data? What are the good practice examples in data collection and usage? (Pillar 3.3)
- Justice budget allocations and people centred justice – can we develop some indicators that tell governments and international agencies something about the reality of the implementation of people centred justice through justice budget proportional allocations? (Pillar 3)